IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Contempt Petition No. 243 of 2004

1. Praveen Kumar S/o Dayal Singh
   R/o Village Barkot Range, Dehradun
   Forest Division, P.O. Rani Pokhri
   District Dehradun
2. Dhani Ram S/o Mukundi Ram
   R/o Village Barkot Range, Dehradun
   Forest Division, P.O. Rani Pokhri
   District Dehradun. ... Petitioners

Vs

1. Shri B.P. Pande Principal Secretary
   Forests Department
   Government of Uttaranchal
   Dehradun
2. Shri Shrikant Chandola, Chairman
   Regularisation Committee for Class- IV
   Daily Wage Employees and chief Wide Life
   Wardon Uttaranchal, Dehradun
3. Bhuwan Chand, Divisional Forests Officer
   Dehradun, Forest Divisions Tilak Road
   Dehradun ... Respondents

Sri P.C. Jhingan, learned counsel for the petitioners
Sri R.C. Arya, learned Standing Counsel for the State

Hon'ble B.C. Kandpal, J.

This contempt petition has been filed by the petitioner on the ground that the respondents have not considered the representation of the petitioners in accordance with the Rule 32 of the Karamchari Sewa Niyamawali, 1985 and hence flouted the order dated 24.05.2004 passed by this Court in Writ Petition No. 323 of 2004 (S/S).

2. The notices were issued to the respondents. The respondent No. 3 has filed the counter affidavit before this Court and in the counter affidavit, it has specifically been averred that in compliance of the order passed by this Court, the representation of the petitioner was forwarded to the

Chairman, Regularisation Committee i.e. respondent No. 2 and after due consideration, the representation of the petitioner was rejected vide order dated 24th June, 2004 by the Regularisation Committee. It has also been averred that the Chairman, Regularisation Committee after considering the representation of the petitioners in compliance of the order dated 24.04.2004 passed by this Court, informed the petitioners that the Committee had no power to regularize or amend the rules and conditions for the regularization process.

3. The averments made in the counter affidavit filed by the respondents clearly show that there is no willful disobedience on the part of the respondents. Accordingly, the respondents cannot be held to be liable for committing the contempt of this Court.

4. The contempt petition is accordingly dismissed. The notices issued to the respondents are hereby discharged.

(B.C. Kandpal, J.)

12.10.2006
ASWAL